

STATEMENT OF SCOPE

Cemetery Board

Rule No.: CB 2

Relating to: Maintenance of Burial Records

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

N/A

2. Detailed description of the objective of the proposed rule:

The objective of the proposed rule is to revise ch. CB 2, relating to maintenance of burial records, to establish a minimum time period that a cemetery authority must maintain burial record information. Section 157.62 (5), Stats., requires that the Cemetery Board promulgate rules establishing a minimum time period for maintaining burial record information, and this is not currently included in the existing rules. The Cemetery Board will also review and possibly revise CB 2 to bring the code into conformity with current drafting standards.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

2017 Wisconsin Act 108 created s. 227.29, Stats., requiring that each agency submit a report to the joint committee for review of administrative rules by March 31 of each odd-numbered year identifying any promulgated rules which are unauthorized, obsolete, unnecessary, duplicative, superseded, in conflict with another rule, statute, or court decision, or that are economically burdensome. The agency must also include in its report a description of any actions it is taking to address these issues.

This rule project is necessary to bring the rule out of conflict with state statute, as well as to make other revisions to improve the usability of the chapter by licensees.

If the administrative code is not revised to correct these issues, it will leave the rules and the agency out of compliance with state law.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 157.62 (5), Stats., provides “[t]he cemetery board shall promulgate rules requiring cemetery authorities and licensees to maintain other records and establishing minimum time periods for the maintenance of those records.”

Section 440.905 (2), Stats., provides “[t]he board has rule-making authority and may promulgate rules relating to the regulation of cemetery authorities, cemetery salespersons, and cemetery preneed sellers...”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

The staff time needed to develop the rules is expected to be about 80 hours, depending on the complexity. The agency will utilize existing staff. There are no other resources necessary to develop the rules.

6. List with description of all entities that may be affected by the proposed rule:

Cemetery authorities, cemetery salespersons, and cemetery preneed sellers.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

The proposed rule will have minimal to no economic impact on small businesses and the state's economy as a whole.

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